

1 QUINN EMANUEL URQUHART & SULLIVAN LLP

Kevin P.B. Johnson (Bar No. 177129)

2 kevinjohnson@quinnemanuel.com

Brett Arnold (Bar No. 266740)

3 brettarnold@quinnemanuel.com

Margaret Shyr (Bar No. 300253)

4 margaretshyr@quinnemanuel.com

555 Twin Dolphin Drive, 5th Floor

5 Redwood Shores, California 94065-2139

Telephone: (650) 801-5000

6 Facsimile: (650) 801-5100

7 Joseph Milowic III (*admitted pro hac vice*)

josephmilowic@quinnemanuel.com

8 51 Madison Ave., 22nd Floor

New York, NY 10010

9 Telephone: (212) 849-7000

Facsimile: (212) 849-7100

10
11 Attorneys for Juicero Inc.

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 JUICERO INC., a Delaware corporation,

15 Plaintiff,

16 vs.

17 iTASTE CO., LTD., a/k/a iTaste Co., Ltd.
Shanghai, China and Shanghai iTaste
18 Electronics Technology Co., Ltd., d/b/a Juisir;
FROOTHIE USA LLC, a Delaware limited
19 liability company; and
XIUXING "LEO" CHEN, an individual,

20 Defendants.
21

CASE NO. 5:17-cv-01921-BLF

DECLARATION OF MIKE ROSENTHAL

22
23
24
25 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**
26
27
28

1 I Mike Rosenthal, declare as follows:

2 1. I am currently employed by Juicero, Inc. ("Juicero") and serve as its Chief
3 Financial Officer. I have held that position since September 2015. As part of my responsibilities,
4 I oversee work done in various areas, including finance and accounting. Unless otherwise stated, I
5 have personal knowledge of the facts stated in this declaration, and I could and would competently
6 testify thereto if called as a witness.

7 2. Juicero was founded in 2013 by Doug Evans. I understand that after his mother
8 died of cancer and his father of heart disease, Doug set out to understand healthy nutrition and
9 devoted his life and career to enhancing access to organic, plant-based nutrition.

10 3. Doug began work on what is now the Juicero Press from his apartment. Juicero
11 currently operates out of headquarters in San Francisco, with marketing, finance, product
12 operations, hardware and software design, and customer support functions there, as well as
13 facilities for food manufacturing, processing, and packaging, research and development, logistics
14 fulfillment, and warehousing in Los Angeles. Juicero's 120 employees all work to support the
15 Juicero Press product, including preparing high quality, organic produce for the Produce Packs
16 used in the device.

17 4. The Juicero Press has been the recipient of various awards. It was named a Gold
18 Winner at the 2016 San Francisco Design Awards, it won the Editor's Choice Award at the 2016
19 Hotel Experience trade show, it received an honorable mention in the Health category at Fast
20 Company's 2016 Innovation by Design Awards, and earned a 2017 Innovation Award from the
21 National Association of College and University Food Service.

22 5. Juicero has spent substantial resources on designing, developing, and marketing the
23 Juicero Press. Since the beginning of the project, Juicero has spent approximately [REDACTED] on
24 research and development (R&D) personnel and expenses, approximately [REDACTED] on
25 equipment for R&D and manufacturing for the Juicero Press and Produce Packs, and another [REDACTED]
26 [REDACTED] in marketing expenses, including advertising, social media, promotional videos, and other
27 outreach activities, as well as marketing-related salaries. Since first shipping the product in May
28 2016, Juicero has sold more than [REDACTED] of the Juicero Press, generating revenue of [REDACTED]

1 [REDACTED] from sales of both the Juicero Press and the accompanying Produce Packs, and [REDACTED]

2 [REDACTED]

3 6. The Juicero Press is critically important to Juicero's business, as the Juicero Press

4 and the accompanying Produce Packs are the only products currently sold by Juicero.

5 Competition from the Juisir could therefore not only result in potential lost sales of the Juicero

6 Press, but also lost future sales of Produce Packs over the life of the device, in an amount that

7 cannot be adequately quantified.

8 7. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 8. Consumers primarily buy the Juicero Press to have a countertop juicer that provides

15 fresh, nutritious juice made quickly on site without the need to clean the machine after use. The

16 prepackaged Produce Packs offer consumers ready-to-press, healthy, organic produce, and are

17 intended to build a mutually beneficial relationship between Juicero Press users and Juicero that

18 will last long after the initial purchase of the Juicero Press.

19 9. To protect its place in the juicer market, Juicero has taken steps to protect its

20 proprietary information and inventions, including by obtaining U.S. Patent No. 9,493,298 (the

21 "'298 patent"). Juicero has never licensed the '298 patent, or any portion of it, for any reason,

22 including to make, use, sell, or offer to sell any product practicing the patent, or to import any

23 such product. Nor has Juicero ever been approached by any of the named defendants in this case

24 to license the '298 patent. Juicero intends to be the sole entity to utilize the invention in the '298

25 patent.

26 10. The financial and R&D information highlighted in this declaration is information

27 that Juicero maintains as highly confidential in the ordinary course of business. This information

28 is not shared with other companies. The information is also not widely disseminated even within

1 Juicero but is communicated only on a need-to-know basis among the company's management.
2 Juicero maintains this secrecy to prevent other entities, including potential competitors, suppliers,
3 and vendors, from using the information to Juicero's detriment.
4

5 I declare under penalty of perjury that the foregoing is true and correct.
6

7 Executed on May 16, 2017 at San Francisco, CA.
8

9 By 
10 Mike Rosenthal
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28